

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOSUE AGUAS-LANDAUERDE,

Petitioner,

v.

CASE NO. 2:16-CV-00854  
CRIM. NO. 2:15-CR-00183(2)  
JUDGE JAMES L. GRAHAM  
Magistrate Judge Kimberly A. Jolson

UNITED STATES OF AMERICA,

Respondent.

**OPINION AND ORDER**

On September 23, 2016, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings recommending that this action be dismissed. (ECF No. 141.) Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 141) is **ADOPTED** and **AFFIRMED**, and the motion to vacate (ECF No. 139) is **DENIED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Date: October 17, 2016

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s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge